

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
(Roanoke Division)

_____)	
In re)	
)	
BAYVIEW HOLDINGS, LLC,)	Case No. 09-72799
)	
Debtor.)	
)	
_____)	
)	
BANK OF FLOYD,)	
)	
Movant,)	
)	
v.)	
)	
BAYVIEW HOLDINGS, LLC,)	
)	
Respondent.)	
)	
_____)	

ANSWER TO MOTION FOR RELIEF FROM STAY

Bayview Holdings, LLC (“Bayview” or “Debtor”), by counsel, for its Answer to the Motion for Relief from Stay filed by Bank of Floyd states as follows:

Bruce E. Arkema (VSB No. 18625)
(804) 343-4370
barkema@durrettecrump.com
Kevin J. Funk (VSB No. 65465)
(804) 343-4387
kfunk@durrettecrump.com
DurretteCrump, PLC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219
Telecopier: (804) 225-8706
Counsel for Bayview Holdings, LLC

1. The allegations in paragraphs 1 through 6 are admitted.
2. The Debtor denies the allegations contained in paragraph 7. The Debtor believes that the property is worth \$3,425,000.00, as estimated in the Third Amended Disclosure Statement. Bank of Floyd endorsed the Disclosure Statement just five months ago. The Motion gives no explanation of why it believes the property has dropped almost 20% in less than five months, nor any reason why it chose to have the property appraised after approving a disclosure statement but before confirmation.
3. The Debtor lacks sufficient information to admit or deny the allegations contained in paragraph 8.
4. The Debtor denies the allegations contained in paragraph 9. The Letter of Credit has been released, and the bank has no ongoing liability under that document.
5. The Debtor lacks sufficient information to either admit or deny the allegations contained in paragraph 10.
6. The Debtor denies the allegations contained in paragraph 11.
7. The Debtor lacks sufficient information to admit or deny the allegations contained in paragraph 12.
8. The Debtor denies the allegations contained in paragraph 13.
9. The Debtor admits the allegations contained in paragraph 14.
10. The Debtor denies the allegations contained in paragraph 15.
11. The Debtor denies the allegations contained in paragraph 16.
12. The Debtor denies the allegations contained in paragraph 17.
13. The Debtor further states that Bank of Floyd and the Debtor entered into an agreement in connection with the approval of the Third Amended Disclosure Statement, which

involved significant negotiations and concessions. The plan which was appended to the Third Amended Disclosure Statement gives the bank the ability to repossess its collateral if the debtor does not meet the minimum lot sales. The bank should give the plan, which it approved, an opportunity to succeed.

WHEREFORE, the Debtor respectfully requests that the Court enter an Order denying the Motion and granting such further relief as the Court deems just and proper.

BAYVIEW HOLDINGS, LLC

/s/ Bruce E. Arkema

By: _____
Counsel

Bruce E. Arkema (VSB No. 18625)
(804) 343-4370
barkema@durettecrump.com

Kevin J. Funk (VSB No. 65465)
(804) 343-4387
kfunk@durettecrump.com

DuretteCrump PLC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219
Telecopier: (804) 775-6911
Counsel for Bayview Holdings, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 5, 2011, a copy of the foregoing Answer to Motion for Relief from Automatic Stay filed by Bank of Floyd was served, via electronic means or first-class mail, on each of the following:

Jonathan Hauser, Esquire
Troutman Sanders LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462

Office of the U. S. Trustee
210 First Street, Suite 505
Roanoke, Virginia 24011

AEP
Post Office Box 24401
Canton, Ohio 44701

Bank of Floyd
Attn: D. Thomas Semler
4094 Postal Drive
Roanoke, Virginia 24018

Bayview Construction Co.
70 Homeplace Circle
Moneta, Virginia 24121

BB&T
c/o Word C. Clark, Jr.
200 West 2nd Street
Winston-Salem, North Carolina 27101

Embarq Telephone
Post Office Box 960645
Charlotte, North Carolina 28296

Franklin County, Virginia
c/o Treasurer
275 South Main Street, Suite 232
Rocky Mount, Virginia 24151

/s/ Bruce E. Arkema
